

REMARKS

In the Office Action¹, the Examiner rejected claims 31 and 92 under 35 U.S.C. § 101 as directed to non-statutory subject matter. The Examiner rejected claims 31 and 92 as indefinite under 35 U.S.C. § 112. The Examiner further rejected claims 1-92 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,754,651 to Blatter et al. ("*Blatter*"). By this Amendment, Applicants cancel claims 32, 42, 52, 62, 72, and 82, without prejudice, and amend claims 1, 6, 11, 16, 21, 26, 31, 33-41, 43-51, 53-61, 63-71, 73-81, and 83-92 to more particularly define the scope of the invention. Claims 1-31, 33-41, 43-51, 53-61, 63-71, 73-81, and 83-92 remain pending and under current examination.

Applicants respectfully traverse the rejections of claims 31 and 92 under 35 U.S.C. §§ 101 and 112. Amended claims 31 and 92 recite a recording medium wherein processor readable instructions are recorded for causing a processor to access positions on a recording medium. Claims 31 and 92 thus recite a useful, concrete, and tangible result. Applicants thus respectfully request that the Examiner withdraw the rejections under 35 U.S.C. §§ 101 and 112.

Applicants respectfully traverse the rejection of claims 1-92 as allegedly anticipated by *Blatter*. With respect to claims 32, 42, 52, 62, 72, and 82, the claims have been canceled, rendering the rejection moot. The remaining claims are not anticipated by *Blatter*.

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

Independent claim 1, for example, recites an information recording apparatus that records management information including "recording medium access positions." *Blatter* fails to teach or suggest at least this element of claim 1.

The Examiner asserts that *Blatter* discloses "management information creating means for extracting the access positions for said contents information ... and for creating management information showing one or more access positions for said contents information" (Office Action at p. 3). Even assuming this is true, the access positions disclosed by *Blatter* are not "recording medium access positions", but rather access positions within a data stream (*Blatter* cols. 12-13). In particular, the "access positions" within the "condensed program specific information" disclosed by *Blatter* are offsets within a packetized stream, and not mapped to a location on a recording medium. Therefore, *Blatter* fails to teach at least this element of claim 1.

Although of different scope, independent claims 6, 11, 16, 21, 26, 31, and 92 recite features similar to those of claim 1 already discussed. Claims 2-5 and 33-41 depend from claim 1, claims 7-10 and 43-51 depend from claim 6, claims 12-15 and 53-61 depend from claim 11, claims 17-20 and 63-71 depend from claim 16, claims 22-25 and 73-81 depend from claim 21, and claims 27-30 and 83-91 depend from claim 26. *Blatter* therefore does not anticipate claims 2-31, 33-41, 43-51, 53-61, 63-71, 73-81, and 83-92 for at least the same reasons set forth above in connection with claim 1. Therefore, Applicants request that the rejection of the pending claims under 35 U.S.C. § 102(b) be withdrawn and the claims allowed.

In view of the foregoing remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

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By: 

Michael R. Kelly
Reg. No. 33,921